

REMARKS:

Claims 31, 37-41, 55, 61 and 64-68 are presented for examination. Claims 31, 40, 55 and 67 have been amended hereby. Claims 1-30, 32-36, 42-54, 56-60, 62, 63 and 69-114 have been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection made in the April 7, 2006 Office Action of claim 31 under 35 U.S.C. 112, second paragraph.

Initially, it is respectfully noted that the cancellation of claim 42 has rendered the Examiner's rejection of this claim moot.

In any case, it is noted that independent claim 32 (as well as claim 55 – the only other pending independent claim) has been amended hereby to more clearly recite the currently claimed aspect directed to the sponsor data specifically including an amount of a finder's fee paid by a program sponsor to a program operator.

Therefore, it is respectfully submitted that the rejection made in the April 7, 2006 Office Action of claim 31 under 35 U.S.C. 112, second paragraph, has been overcome.

Reconsideration is respectfully requested of the rejection of claims 31, 37-41, 55, 61 and 64-68 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 6,321,984 ("McCall et al.") in view of "Weather futures 'bet' will give Tucson firms a hedge against loss" (hereinafter "Weather Futures").

In this regard, it is noted that claims 33, 34, 42, 44, 45, 48-54, 57, 58, 69, 71, 72, 75, and 78-84 (which had also been the subject of this rejection) have been cancelled hereby (without prejudice or disclaimer). Thus, the rejection of these cancelled claims has been rendered moot.

In any case, it is initially noted that applicants respectfully disagree with the Examiner in the Examiner's analysis of the claims of the present application and the McCall et al. and Weather Futures disclosures.

Nevertheless, in order to expedite prosecution of the application, each of claims 31 and 55 (the two presently pending independent claims) has been amended hereby to more clearly distinguish over McCall et al. and Weather Futures by reciting methods in which program sponsor data includes an amount of a finder's fee paid by a program sponsor to a program operator.

That is, the claims have been amended hereby to recite methods in which an amount of a finder's fee paid by a program sponsor to a program operator is used (along with, for example, customer usage data) to develop a financial hedging strategy to diminish a risk to the program operator in connection with volatility of fuel prices.

Of note, this finder's fee (which may, for example, be a fee paid by a credit card company to the program operator for the establishment of a new credit card account by the customer (see page 14, lines 28-31)) is not the same as the customer discount amount of McCall et al.

Accordingly, it is respectfully submitted that at least this aspect of the claimed invention (i.e., the payment of the finder's fee from the program sponsor to the program operator) is neither shown nor suggested by McCall et al.

Likewise, it is respectfully submitted that at least this aspect of the claimed invention (i.e., the payment of the finder's fee from the program sponsor to the program operator) is neither shown nor suggested by Weather Futures.

Therefore, it is respectfully submitted that the rejection of claims 31, 37-41, 55, 61 and 64-68 under 35 U.S.C. 103(a) as allegedly being unpatentable over McCall et al. in view of Weather Futures has been overcome.

Additionally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

For example, support for the amendments to claims 31 and 55 regarding the finder's fee may be found at page 14, line 27 to page 15, line 3.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the April 7, 2006 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Respectfully submitted,
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